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*Attorneys for Defendant United Parcel Service, Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CLIVE DENNIS,

Plaintiff,

-against-

UNITED PARCEL SERVICE, INC. and  
LOCAL 804, I.B.T. UNION,

**Defendants.**

Index No. 07-Civ-9754 (HB)

## NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Motion of Defendant United Parcel Service, Inc., For Judgment On The Pleadings And Dismissal of the Complaint Under Fed. R. Civ. P. 12(c), the Affidavit of Evandro C. Gigante, Esq., and the attachments thereto, and all prior pleadings and proceedings herein, the undersigned attorneys for Defendant United Parcel Service, Inc. (“UPS”), will move this Court at such time as the Court designates, before the Honorable Harold Baer, at the United States Courthouse located at 500 Pearl Street, New York, New York 10007 for an ORDER pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, granting UPS’s motion for judgment on the pleadings to dismiss as to all of Plaintiff’s claims because Plaintiff has failed to state a claim for

which relief can be granted and UPS is entitled to judgment as a matter of law. Oral argument is requested at a date and at a time to be designated by the Court.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 6.1(b) of the Local Rules of this Court, opposing memoranda shall be served upon the undersigned by April 10, 2006.

Dated: New York, New York  
March 27, 2008

By: 

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